

FEDERAL PUBLIC DEFENDER

NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION
160 WEST SANTA CLARA STREET, SUITE 575
SAN JOSE CALIFORNIA 95113

BARRY J. PORTMAN
Federal Public Defender

Telephone (408) 291-7753
Fax (408) 291-7399

CONFIDENTIAL - ATTORNEY WORK PRODUCT

MEMORANDUM TO ATTORNEY

TO: Cynthia C. Lie
FROM: Catherine Ward Neece *CWN*
DATE: January 15, 2008
RE: United States v. Arquimedes Mendoza-Soriano
CR 07-00503 RMW
WITNESS: Guadalupe Mendoza
Cellular telephone: (209) 712-3365

On December 19, 2007, I contacted Guadalupe Mendoza, the defendant's mother, at the telephone number listed above. I explained to Mendoza that I am an Investigator with the Office of the Federal Public Defender which has been appointed to represent her son, Arquimedes, in his case currently pending in the United States District Court in San Jose, California, and that I wished to speak to her regarding the circumstances of an assault with a firearm offense in which she was the victim, and for which Arquimedes was convicted in 2001. Mendoza agreed to speak to me.

Mendoza said that on the day of the incident, November 1, 1999, Arquimedes had been using drugs. He was not himself that day, Mendoza said. Prior to the incident, he had recently become involved with a girl, named Erica, who used drugs, Mendoza said. Usually, Arquimedes was very sweet to her, Mendoza said.

On the day of the incident, Arquimedes was very angry because he wanted to see his son, but the mother of his child, Maria Ochoa, did not want him to see him, because Arquimedes was using drugs. Their son is named "Josue," and he just turned ten years old in October of 2007. That day, Maria had come to see Mendoza because she had recently moved into a room at her

sister's house and she did not have a bed. Mendoza said that she had a bed which she was going to give to her. Arquimedes became upset that she was going to give the bed to Maria, Mendoza said.

Mendoza said that she is convinced that Arquimedes was on drugs the day of the incident. Mendoza said that she could smell the odor of marijuana coming from behind the house where Arquimedes had been just prior to the confrontation. She said that she saw something white coming out of his mouth which looked like foam, and his eyes were very red and very big.

Mendoza said that she knew that Arquimedes had been using drugs at this time of his life because he had recently lost a lot of weight. He had previously worn a size 38 waist pant, but in the two to three months prior to the incident, he was down to a size 34 waist pant.

It was unusual for Arquimedes to become so angry, Mendoza said. Mendoza said that she had never seen Arquimedes so angry. Arquimedes was very angry at Maria and that was why he did what he did.

When Arquimedes fired the gun for which he was charged, Mendoza said that he fired it into the ground. She said that she did not feel that Arquimedes was going to kill her or to hurt her.

Normally Arquimedes is a very good son to her, Mendoza said, and he has always been very close to her. He would bring her coffee in bed, Mendoza said, and he often volunteered to do things for her, like painting her kitchen, and taking her to the store, and waiting there until she finished her shopping. He is very smart and very helpful to her, Mendoza said.

Mendoza said that she has five children. Her two oldest children are living in Acapulco, Mexico, and three are in the United States. Mendoza said that she has been in the United States since October of 1992, and that she came here when Arquimedes was about twelve years old. Mendoza said that she works for the family of Kevin and Alexis Delu, for whom she has been working for over fourteen years. The family has over 7,000 acres of grapes in Lodi, California. She said that she started as a baby-sitter for the family, and now that the children are grown, she takes care of their house for them, and she lives in a house which they have given her. Arquimedes has also worked for the Delus for several years.